

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
SUPERIOR COURT**

Carroll Superior Court  
96 Water Village Rd., Box 3  
Ossipee NH 03864

Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<http://www.courts.state.nh.us>

**SUMMONS IN A CIVIL ACTION**



Case Name: **Eileen LEahy v Omni Hotels Management Corporation, et al**  
Case Number: **212-2019-CV-00225**

Date Complaint Filed: December 13, 2019

A Complaint has been filed against Jane Doe; Omni Hotels Management Corporation; TRT Holdings, Inc. in this Court. A copy of the Complaint is attached.

**The Court ORDERS that ON OR BEFORE:**

February 03, 2020	Eileen LEahy shall have this Summons and the attached Complaint served upon Jane Doe; Omni Hotels Management Corporation; TRT Holdings, Inc. by in hand or by leaving a copy at his/her abode, or by such other service as is allowed by law.
February 24, 2020	Eileen LEahy shall electronically file the return(s) of service with this Court. Failure to do so may result in this action being dismissed without further notice.
30 days after Defendant is served	Jane Doe; Omni Hotels Management Corporation; TRT Holdings, Inc. must electronically file an Appearance and Answer or other responsive pleading form with this Court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below.

**Notice to Jane Doe; Omni Hotels Management Corporation; TRT Holdings, Inc.:** If you do not comply with these requirements you will be considered in default and the Court may issue orders that affect you without your input.

**Send copies to:**

Gregory V. Sullivan, ESQ  
Omni Hotels Management  
Corporation  
TRT Holdings, Inc.  
Jane Doe

Malloy & Sullivan LPC 59 Water St Hingham MA 02043  
4001 Maple Avenue Suite 600 Dallas TX 75219  
  
4001 Maple Avenue Suite 600 Dallas TX 75219  
No Known Address

**BY ORDER OF THE COURT**

December 20, 2019  
  
(126921)

Abigail Albee  
Clerk of Court



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**NOTICE TO DEFENDANT**

Case Name: **Eileen LEahy v Omni Hotels Management Corporation, et al**  
Case Number: **212-2019-CV-00225**

You have been served with a Complaint which serves as notice that this legal action has been filed against you in the **Carroll Superior Court**. Review the Complaint to see the basis for the Plaintiff's claim.

Each Defendant is required to electronically file an Appearance and Answer 30 days after service. You may register and respond on any private or public computer. For your convenience, there is also a computer available in the courthouse lobby.

If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: [www.courts.state.nh.us](http://www.courts.state.nh.us), select the Electronic Services icon and then select the option for a self-represented party.

1. Complete the registration/log in process. Click Register and follow the prompts.
2. After you register, click Start Now. Select **Carroll Superior Court** as the location.
3. Select "I am filing into an existing case". Enter **212-2019-CV-00225** and click Next.
4. When you find the case, click on the link and follow the instructions on the screen. On the "What would you like to file?" screen, select "File a Response to Civil Complaint". Follow the instructions to complete your filing.
5. Review your Response before submitting it to the court.

**IMPORTANT:** After receiving your response and other filings the court will send notifications and court orders electronically to the email address you provide.

A person who is filing or defending against a Civil Complaint will want to be familiar with the Rules of the Superior Court, which are available on the court's website: [www.courts.state.nh.us](http://www.courts.state.nh.us).

Once you have registered and responded to the summons, you can access documents electronically filed by going to <https://odypa.nhecourt.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

If you have questions regarding this process, please contact the court at 1-855-212-1234.

## STATE OF NEW HAMPSHIRE

CARROLL COUNTY, SS

SUPERIOR COURT

\*\*\*\*\*

Eileen Leahy )

Plaintiff, )

v. )

Omni Hotels Management Corporation; )

TRT Holdings, Inc.; and Jane Doe )

Defendants. )

\*\*\*\*\*

Civ. No. 212-2019-CV-00225

Jury Trial Demanded

COMPLAINTPARTIES

1. The plaintiff, Eileen Leahy (hereinafter "Leahy"), is an individual who resides at 27 Bradford Street, Quincy, Norfolk County, Massachusetts.
2. The defendant, Omni Hotels Management Corporation (hereinafter "Omni") is a corporation with a principal place of business of 4001 Maple Avenue, Suite 600, Dallas, TX 75219, and a registered agent at 10 Ferry Street S313, Concord, Merrimack County, New Hampshire.
3. The defendant, TRT Holdings, Inc. (hereinafter "TRT"), is a corporation with a principal place of 4001 Maple Avenue, Suite 600, Dallas, TX 75219.
4. The defendant, Jane Doe, is believed to be an agent and/or employee of Omni and/or TRT and her address is unknown at this time.

**FACTS**

5. On or about December 30, 2017, while Leahy was walking on the property located at 99 Ski Area Road, Bretton Woods, Carroll County, New Hampshire when she fell and was injured.
6. Based on information and belief, TRT owns the property and it is managed by Omni.
7. As Leahy was walking from the motor vehicle that transported her to the premises, Jane Doe, an agent or employee of Omni and/or TRT physically attempted to assist Leahy into the building.
8. Leahy began to slip in the vestibule area of the building due to a defective condition and Doe caused Leahy to fall.
9. As a result of the fall, Leahy sustained serious injuries which required medical treatment.

**COUNT I**  
(NEGLIGENCE –LEAHY V. OMNI)

10. Leahy repeats and reavers the allegations contained in paragraphs one through nine of this Complaint, as if expressly set forth and rewritten herein.
11. At all relevant times, Omni owed a duty to Leahy to maintain the premises in a reasonable and safe manner.
12. Omni was negligent in its failure to properly and safely maintain the area.
13. As a direct and proximate result of the negligence of Omni, Leahy:
  - a. suffered serious, painful, and long-lasting injuries, physical pain and anguish, emotional distress, and loss of capacity for the enjoyment of life;
  - b. was required to undergo medical treatment and incur medical costs;
  - c. and otherwise was hurt, injured, and caused to sustain losses, including a diminished quality of life.

**COUNT II**  
(FAILURE TO WARN –LEAHY V. OMNI)

14. Leahy repeats and reavers the allegations contained in paragraphs one through thirteen above as if expressly set forth and rewritten herein.
15. Omni failed to warn Leahy of the dangerous and defective condition of which it knew or should have known existed.
16. As a direct and proximate result of Omni's failure to warn, Leahy:
  - a. suffered serious, painful, and long-lasting injuries, physical pain and anguish, emotional distress, and loss of capacity for the enjoyment of life;
  - b. was required to undergo medical treatment and incur medical costs;
  - c. and otherwise was hurt, injured, and caused to sustain losses, including a diminished quality of life.

**COUNT III**  
(NEGLIGENCE –LEAHY V. TRT)

17. Leahy repeats and reavers the allegations contained in paragraphs one through sixteen above as if expressly set forth and rewritten herein.
18. At all relevant times, TRT owed a duty to Leahy to maintain the premises in a reasonable and safe manner.
19. TRT was negligent in its failure to properly and safely maintain the area.
20. As a direct and proximate result of the negligence of TRT, Leahy:
  - a. suffered serious, painful, and long-lasting injuries, physical pain and anguish, emotional distress, and loss of capacity for the enjoyment of life;
  - b. was required to undergo medical treatment and incur medical costs;
  - c. and otherwise was hurt, injured, and caused to sustain losses, including a

diminished quality of life.

**COUNT IV**  
(FAILURE TO WARN –LEAHY V. TRT)

21. Leahy repeats and reavers the allegations contained in paragraphs one through twenty above as if expressly set forth and rewritten herein.
22. TRT failed to warn Leahy of the dangerous and defective condition of which it knew or should have known existed.
23. As a direct and proximate result of TRT's failure to warn, Leahy:
- a. suffered serious, painful, and long-lasting injuries, physical pain and anguish, emotional distress, and loss of capacity for the enjoyment of life;
  - b. was required to undergo medical treatment and incur medical costs;
  - c. and otherwise was hurt, injured, and caused to sustain losses, including a diminished quality of life.

**COUNT V**  
(NEGLIGENCE –LEAHY V. DOE)

24. Leahy repeats and reavers the allegations contained in paragraphs one through twenty-three of this Complaint, as if expressly set forth and rewritten herein.
25. At all relevant times, Doe owed a duty to Leahy to act in a reasonable and safe manner.
26. Doe was negligent in her failure to act properly and safely while physically assisting Leahy.
27. As a direct and proximate result of the negligence of Doe, Leahy:
- a. suffered serious, painful, and long-lasting injuries, physical pain and anguish, emotional distress, and loss of capacity for the enjoyment of life;
  - b. was required to undergo medical treatment and incur medical costs;
  - c. and otherwise was hurt, injured, and caused to sustain losses, including a

diminished quality of life.

WHEREFORE, the plaintiff, Eileen Leahy, now prays that a judgment of liability be entered on her behalf against the defendants and that she be compensated for her physical injuries, pain and suffering, emotional distress, bodily illness, mental anguish, medical bills, a diminished quality of life, costs, loss of consortium, and other losses as outlined above in an amount to be determined by the trier of fact to be just, and for such other and further relief that this Court deems just.

**PLAINTIFF DEMAND A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.**

Respectfully Submitted,  
Eileen Leahy  
by her attorney,

/s/Gregory V. Sullivan  
Gregory V. Sullivan  
N.H. Bar No.: 2471  
Malloy & Sullivan,  
Lawyers Professional Corporation  
59 Water Street,  
Hingham, MA 02043  
(781)749-4141  
[g.sullivan@mslpc.net](mailto:g.sullivan@mslpc.net)

Dated: December 13, 2019

**THE STATE OF NEW HAMPSHIRE**  
**JUDICIAL BRANCH**  
<http://www.courts.state.nh.us>

Court Name: Carroll County Superior Court  
Case Name: Eileen Leahy v. Omni Hotels Management Corporation, TRT  
Holdings, Inc., and Jane Doe  
Case Number: \_\_\_\_\_

**COMPLAINT**

Requested: ☒ Jury Trial ☐ Bench Trial

The plaintiff in the above-entitled matter complains against the defendants as follows:

1. The plaintiff, Eileen Leahy, resides at 27 Bradford Street, Quincy, Massachusetts.
2. The defendant, Omni Hotels Management Corporation, has a principal place of business at 4001 Maple Avenue, Suite 600, Dallas, TX 75219 and a registered agent at 10 Ferry Street S313, Concord, Merrimack County, New Hampshire.
3. The defendant, TRT Holdings, Inc. has a principal place of business at 4001 Maple Avenue, Suite 600, Dallas, TX 75219.
4. The defendant, Jane Doe, has an unknown residential address at this time.
5. On or about December 30, 2017, the plaintiff, Eileen Leahy arrived at the parking lot of the Bretton Woods ski lodge and walked towards the building.
6. Based on information and belief, Bretton Woods is owned by TRT Holdings, Inc. and is operated by Omni Hotels Management Corporation.
7. Jane Doe is an agent or employee of TRT Holdings, Inc. and/or Omni Hotels Management Corporation and she physically attempted to assist Leahy while on the premises.

8. Leahy began to slip on a defective condition on the premises and Doe negligently by her conduct caused her to fall and be seriously injured.

9. The defendants had a duty to maintain the premises in a reasonable and safe manner, to warn Leahy of any defective conditions that it knew or should have known of, and Jane Doe had a duty to act in a reasonable and safe manner when physically assisting Leahy so that she not be injured.

10. The defendants breached their duties and failed in the performance thereof, whereby the defendants Omni Hotels Management Corporation and TRT Holdings, Inc. failed to maintain the premises in a reasonable and safe manner and failed to warn Leahy of the defective condition. Jane Doe failed to act as a reasonable and safe person as she physically assisted Leahy at the premises. As a result of the breach of those duties Leahy fell and was injured.

11. As a result of the defendants' negligence, the defendants caused the plaintiff to suffer severe personal injuries, some of which are permanent, to suffer pain, anguish and mental distress, past, present and future, to incur medical and hospital bills, past, present and future, to suffer lost wages and diminished earning capacity, and other losses, including a diminished quality of life; all to the damage of the plaintiff, within the minimum and maximum jurisdictional limits of this Court.

12. A jury trial is demanded.

Respectfully submitted,  
Eileen Leahy  
by her attorney,  
Malloy & Sullivan,  
Lawyers Professional  
Corporation

Dated: December 13, 2019

By: /s/ Gregory V. Sullivan  
Gregory V. Sullivan,  
Bar #2471  
59 Water Street  
Hingham, MA 02043  
781-749-4141

**Merrimack County Sheriff's Office**

SHERIFF SCOTT E. HILLIARD  
333 Daniel Webster Hwy  
Boscawen, NH 03303  
Phone: 603-796-6600

OMNI HOTELS MANAGEMENT CORPORATION  
10 FERRY ST 313  
CONCORD, NH 03301

AFFIDAVIT OF SERVICE


MERRIMACK, SS

1/17/20

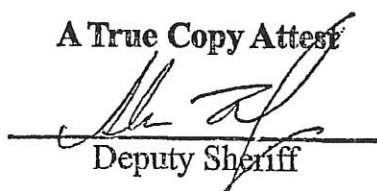
I, DEPUTY GLENN E LARAMIE JR, on this date at 10:28 a.m. /p.m.,  
summoned the within named defendant OMNI HOTELS MANAGEMENT CORP as within  
commanded, by leaving at the office of Registered Agent Corporation Service  
Company, 10 Ferry Street, Suite 313, Concord, said County and State of New  
Hampshire, its true and lawful agent for service of process under and by  
virtue of Chapter 293-A New Hampshire RSA, as amended, a true and attested  
copy of this Summons and Complaint.

FEES

Service	\$25.00
Postage	1.00
Travel	15.00
TOTAL	<u>\$41.00</u>

  
DEPUTY GLENN E LARAMIE JR  
Merrimack County Sheriff's Office

**A True Copy Attest**

  
Deputy Sheriff